REMARKS

Reconsideration of the application is respectfully requested, if view of the following remarks.

As a preliminary matter, in rejecting the claims the Office notes that according to the present invention the claimed range of 32-42° is not critical but merely preferable. It is submitted that this is not determinative. As pointed out in an earlier response, Section 716.02(f) of the MPEP indicates that the "specification need not disclose proportions or values as critical for Applicants to present evidence showing the proportions or values to be critical," citing In re Saunders, 170 USPQ 213, 220 (CCPA 1971). If the Office persists in its view that failure to specify a feature in the specification as being critical has some significance in this situation, it is requested to elaborate and to provide supporting citations.

Claim 24 was added in a prior amendment in response to the statement of the Office in the May 2, 2005 Office Action that "[t]here is no requirement in the claims that the invention be useful for frozen products...." If the Office has in mind other claim language concerning usefulness for frozen foods, clarification would be welcome.

The Office cites the Fels reference as teaching a screw extruder with a cooling circuit comprising liquid ammonia and the Rauwendaal reference as teaching a process for extruding foods using a single screw extruder with a pitch angle of 30-90o. Applicants submit that the table on page 8 of the specification demonstrates an unexpected advantage for use of the presently recited pitch angles.

As explained in the specification, it is desirable when manufacturing ice cream in an extruder to keep the temperature as low as possible while maintaining flow. The trend in the page 8 table from 12 degrees to 40 degrees in pitch angle is toward a decrease of the ice cream temperature, thus showing that higher pitch angles lead to lower temperatures. The Office points to no teaching in the cited art from which this would be expected or in which this is suggested. More particularly, the ice cream temperature at 35-40 degrees is a good 1 degree below the temperature achieved for smaller pitch angles.

The fact that the example with a pitch angle of 19 degrees achieves a temperature of -12.1 only illustrates that there is an inherent difficulty in measuring the temperature of the ice cream and that there is therefore a margin of error. The important thing is that the average temperature measured at 35-40 degrees is -13.3 degrees whereas the average temperature for pitch angles below 35 degrees is only -11.8.

In view of the foregoing, it is respectfully requested that the application be allowed.

Respectfully submitted,

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